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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/822,617 | 04/12/2004 | Mark A. Weiss | 10379-6U2 | 3288 |

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| EXAMINER | |
|---|---|
| LETT, THOMAS J | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2625 | |

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|---|---|
| 09/28/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/822,617 | WEISS, MARK A. | |
| | Examiner | Art Unit | |
| | Thomas J. Lett | 2625 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *26 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: The claim calls for a "first blank region and the second region constitute the entire surface area of one side of the proofing paper". There is no definitive drawing or disclosure that denotes a first region boundary and a second blank region boundary. If these two boundaries constitute the entire surface of the page, it is not understood where the pre-printed color bar would be located on a page that is defined as blank.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 rejected under 35 U.S.C. 102(b) as being anticipated by Chalmers et al (USPN 5,953,990 A).

**Regarding claim 1**, Chalmers et al disclose proofing (master chart sheet, col. 2, lines 6-9) paper comprising:

(a) a first blank region (the blank region to the right of "lady image" 2 in figure 1") for subsequent printing of a content image portion (image portion 2A of figure 2); and

(b) a second region outside of the first blank region having one or more standard color bars pre-printed thereon (color blocks 1 that are printed on the master chart of figure 1), and each of the one or more standard color bars having a plurality of color blocks (e.g., base colors), each color block reflecting a wavelength in the electromagnetic spectrum that represents a color selected from a color space (e.g., cyan, magenta, yellow, black).

**Regarding claim 2**, Chalmers et al disclose proofing paper of claim 1 wherein the second region further comprises one pre-printed standard color bar (a horizontal arrangement of color blocks 1 that are printed on the master chart of figure 1), the second region having a blank area adjacent to the pre- printed color bar for subsequent printing of a second color bar (a horizontal arrangement of color blocks 1A that will be printed as shown in figure 2, the completed result is shown in figure 3 wherein 1A is just below 1).

**Regarding claim 3**, Chalmers et al disclose a hard proof (master chart sheet, col. 2, lines 6-9) that can be visually inspected to determine if the hard proof meets industry standards, the hard proof being a sheet of proofing paper comprising:

(a) a content image portion (the region to the right of "lady image" 2 in figure 1");

(b) one or more standard first color bars pre-printed on the sheet of proofing paper prior to printing of the content image portion thereon (color blocks 1 that are printed on the master chart of figure 1); and

(c) one or more second color bars printed along with the content image portion and printed in a predefined relationship to the one or more first color bars so as to allow for visual

inspection directly on the proofing paper using only the color bar image data of the first and second color bars (a horizontal arrangement of color blocks 1A that will be printed as shown in figure 2, the completed result is shown in figure 3 wherein 1A is just below 1), and without using any external color reference materials, each of the one or more standard color bars having a plurality of color blocks (e.g., base colors), each color block reflecting a wavelength in the electromagnetic spectrum that represents a color selected from a color space (e.g., cyan, magenta, yellow, black), wherein a visually discernable color match indicates that a proof which meets industry standards has been made and a visually discernable color mismatch indicates that a proof which meets industry standards has not been made (col. 2, lines 51-53).

**Regarding claim 4**, Chalmers et al disclose a hard proof of claim 3 wherein the first and second color bars are printed adjacent to each other (a horizontal arrangement of color blocks 1A that will be printed as shown in figure 2, the completed result is shown in figure 3 wherein 1A is just below and parallel to color blocks 1).

**Regarding claim 5**, Chalmers et al disclose a hard proof of claim 4 wherein the first and second color bars are selected so as to have identical color appearance when imaged with their corresponding ICC profiles using a calibrated marking system (figure 3 is the result of color profile comparison).

**Regarding claim 6**, Chalmers et al disclose a hard proof of claim 3 wherein one or more of the second color bars are printed over at least a portion of the one or more first color bars, wherein subtractive colors are used for the visual inspection (the complementary colors cyan, yellow, and magenta are also commonly referred to as the primary subtractive colors because each can be formed by subtracting one of the primary additives (red, green, and blue) from white light (these colors are used for visual inspection, col. 2, lines 6-9).

**Regarding claim 7**, Chalmers et al disclose a hard proof of claim 6 wherein the first and second color bars have different color appearance when imaged with their corresponding ICC profiles using a calibrated marking system (the colors have a different color appearance if 3 and 3A are not in alignment, col. 2, lines 28-31).

**Regarding claim 8**, Chalmers et al disclose a hard proof of claim 3 wherein the content image portion and the one or more second color bars are part of a digital proof file (col. 2, lines 40-45).

**Regarding claim 9**, as best understood by Examiner, Chalmers et al disclose a proofing paper of claim 1 wherein the first blank region and the second region constitute the entire surface area of one side of the proofing paper (see figure 1 wherein there is a blank region to the right of "lady image" 2 in figure 1" and a horizontal arrangement of color blocks 1A that will be printed as shown in figure 2, the completed result is shown in figure 3 wherein 1A is just below 1).

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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